

House File 410 - Introduced

HOUSE FILE 410

BY BRECKENRIDGE and THORUP

A BILL FOR

1 An Act relating to the period within which a proceeding for
2 workers' compensation benefits must be commenced and offsets
3 against retirement allowances for workers' compensation
4 benefits in certain circumstances under the Iowa public
5 employees' retirement system.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 85.26, subsection 1, Code 2021, is
2 amended to read as follows:

3 1. An original proceeding for benefits under [this chapter](#)
4 or [chapter 85A, 85B, or 86](#), shall not be maintained in any
5 contested case unless the proceeding is commenced within two
6 years from the date of the occurrence of the injury for which
7 benefits are claimed or one year from the date a denial of
8 liability is received by the employee, whichever is later,
9 or, if weekly compensation benefits are paid under section
10 86.13, within three years from the date of the last payment
11 of weekly compensation benefits. For the purposes of this
12 section, "*date of the occurrence of the injury*" means the date
13 that the employee knew or should have known that the injury was
14 work-related.

15 Sec. 2. Section 97B.50A, subsection 5, Code 2021, is amended
16 to read as follows:

17 5. *Offset to allowance.*

18 a. Notwithstanding any provisions to the contrary in state
19 law, or any applicable contract or policy, any amounts which
20 may be paid or payable by the employer under any workers'
21 compensation, unemployment compensation, employer-paid
22 disability plan, program, or policy, or other law to a member,
23 and any disability payments the member receives pursuant to
24 the federal Social Security Act, 42 U.S.C. §423 et seq.,
25 shall be offset against and payable in lieu of any retirement
26 allowance payable pursuant to [this section](#) on account of the
27 same disability.

28 b. Notwithstanding paragraph "*a*", any workers' compensation
29 benefits received by a member for past medical expenses or
30 future medical expenses shall not be offset against and not
31 considered payable in lieu of any retirement allowance payable
32 pursuant to this section on account of the same disability.

33 c. Notwithstanding paragraph "*a*", any workers' compensation
34 benefits received by a member for reimbursement of vacation
35 time used, sick time used, or for any unpaid time off from work

1 shall not be offset against and not considered payable in lieu
2 of any retirement allowance payable pursuant to this section on
3 account of the same disability.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

7 Current law provides that an original proceeding regarding
8 a contest of liability for workers' compensation benefits can
9 be maintained if commenced within two years from the date of
10 the occurrence of the injury for which benefits are claimed.
11 This bill provides that such a proceeding can be maintained if
12 commenced within that period or within one year from the date a
13 denial of liability is received by the employee, whichever is
14 later.

15 The bill provides that any workers' compensation benefits
16 received by a member for past medical expenses or future
17 medical expenses, or any workers' compensation benefits
18 received by a member for reimbursement of vacation time used,
19 sick time used, or for any unpaid time off from work, shall not
20 be offset against and not considered payable in lieu of any
21 retirement allowance payable under the Iowa public employees'
22 retirement system on account of the same disability.